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REMARKS/ARGUMENTS

In reply to the Office Action mailed March 30, 2005, Applicant respectfully requests reconsideration and allowance of the subject application. In the Office Action, the Examiner rejected claims 1-8 for anticipation, indefiniteness, obviousness and for obviousness-type double patenting. In reply, Applicant has amended the specification and claims 1, 2 and 8 and deleted claim 7. Applicant has also submitted an Amendment, Request and Fee Deleting Person Who is not an Inventor of the Invention Now Being Claimed and a Terminal Disclaimer. Accordingly, claims 1-6 and 8 remain pending in the subject application.

The Examiner objected to the specification requesting the reference to U.S. Patent 6,780,308 be inserted to update the application priority. The amendment to the specification requested is submitted herein.

Claim 1 was rejected under 35 U.S.C. §112, second paragraph, for indefiniteness because it was not clear what is meant by the recitation of two independent imaginary lines. Applicant has amended claim 1 to recite "a first imaginary line extending laterally on said baffle and substantially parallel to one of said top edge, said bottom edge and a secondary imaginary line bifurcating said baffle into equal areas." This phrase merely explains that the baffle is divided by a first imaginary line which can be parallel to either top or bottom edges of the baffle or a second imaginary line that bifurcates the baffle into equal areas. Hence, the first imaginary line does not have to divide the baffle into top and bottom sections of equal area. It just needs to be parallel to the top or bottom edge or the second imaginary line that bifurcates the baffle in equal areas.

Moreover, the rejection explains that the relationship between "said baffle" in the singular form to "the plurality of sloped stripping baffles" in plural form in claim 1 is unclear. Applicant has amended claim 1 to recite "each baffle of said plurality of sloped stripping baffles" to indicate that the baffle described is one of the plurality of stripping baffles. The rejection also indicates that the relationship between "the section" in line 17 of claim 1 to "a top section" and "a bottom section" is unclear. Applicant has enriched the language in this section of claim 1 to recite "a ratio of the total area of openings in the bottom section to the area of the bottom section of said baffle being greater than a ratio of the total area of openings in the top section to the area of the top section of said baffle." Applicant respectfully submits that the foregoing amendment makes the ratio of the relationship clearer.

The rejection also points out in claim 2 that the term "stripping gas" lacks proper positive antecedent basis in claim 1 and has therefore been deleted.

The rejection also explains that claims 4, 5 and 6 are also unclear as to the relationship between "the baffle" and "a plurality of sloped stripping baffles." Applicant respectfully submits that this unclarity was remedied with the amendment to claim 1 that recites "each baffle of said plurality of sloped stripping baffles."

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The rejection also stated that it was unclear as to which "imaginary line" in claim 1 the term "the imaginary line" in claim 8 refers. Applicant has amended claim 8 to recite "the first imaginary line." Applicant respectfully submits that this amendment will remedy the unclarity in claim 8.

Applicant respectfully requests reconsideration and withdrawal of the rejection for indefiniteness of claims 1-8.

In the Office Action, claims 1-8 were rejected under 35 U.S.C. §102(e) for being anticipated by U.S. Patent 6,740,227 (the "Hedrick patent"). Applicant has canceled claim 7 in the application and submitted an Amendment, Request and Fee Deleting Person Who is not an Inventor of the Invention Now Being Claimed which deletes Thuy Nguyen from the inventorship of the subject application because claim 7, the only claim she was thought to have contributed to, is canceled from the application. Accordingly, the inventorship of the Hedrick patent and the subject application resides solely in Brian Hedrick. Section 102(e) is inapplicable because the Hedrick patent was not described by one other than the inventor of the subject application. Applicant respectfully requests withdrawal of the rejection for anticipation.

Claims 1-8 were also rejection under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 2,519,150 (the "Ostergaard patent"). The rejection acknowledges that the Ostergaard patent "is silent as to whether the plurality of openings 15, 16 and 17 located on each of the upper parts of baffles 8, 9 and 13 may be distributed such that a ratio of the total area of openings to the area of the section of the baffle is greater in the bottom section of each baffle than in the top section of each baffle." Action at page 7. The rejection points out, however, that the Ostergaard patent discloses that the plurality of openings may be disposed at or adjacent to the outlets from the constricted passages and the placement of openings is selected such that a greater portion of hydrocarbons entrained on the catalyst is displaced and the density of the catalyst suspension is reduced to approximately 15 pounds per cubic foot. Applicant disagrees that Ostergaard teaches disposing openings "at or adjacent" to the constricted passages but teaches that the means "for contacting the stream of fluidized solids with the stripping medium are disposed at or adjacent to the outlets from the constricted passages", which "may take the form of perforations or openings discharging into the wide passages formed by the baffles." Ostergaard col. 4, lines 65-70 (emphasis added). The wide passages where the openings are located are disposed toward the upper end of the baffles.

The Ostergaard patent shows or teaches nothing about the relative concentrations of openings on the baffle between top and bottom sections of the baffle. The rejection contends that the relative concentration of openings per area would be a result effective variable on the basis of suitability for the intended use. However, the rejection does not identify a use in the Ostergaard patent for which a greater concentration of openings per area at the bottom section of the baffle relative to the top section of the baffle is suitable. Nor does it identify a result for which the claimed relative concentrations of openings per area of the baffle will be effective. Indeed, the drawings in the Ostergaard patent do not disclose any differentiation in the concentration of openings per area of the baffle from top

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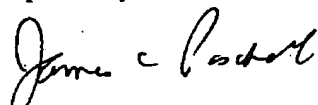
to bottom sections of the baffle. Indeed, the openings appear to be uniformly spaced and disposed only near the top end of the baffles. The description expressly locates the "rows of perforations or openings" in the "upper part" of the baffles. Ostergaard patent, col. 5, lines 42-45. Additionally, the teaching of the Ostergaard patent that the density of the emulsion is greater in the constricted passages due to the squeezing out of the vapors, col. 5, line 74 to col. 6, line 5, expressly discourages disposing a greater concentration of openings at the lower end of the baffles where greater catalyst density and less vapor is desired.

Applicant respectfully submits that the rejection based on the Ostergaard patent for obviousness can only be based on hindsight motivation which is improper. Absent a motivation that would compel one of ordinary skill in the art to modify the teachings of the references, a *prima facie* case of obviousness is respectfully not established. Applicant respectfully requests withdrawal of the rejection for obviousness.

Claims 1-8 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 19-27 of the Hedrick patent. Applicant hereby submits a terminal disclaimer to overcome this rejection.

Accordingly, Applicant respectfully requests reconsideration and allowance of claims 1-6 and 8 pending in the subject application. Should the Examiner have concerns regarding this matter, please feel free to contact the undersigned.

Respectfully submitted,



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JCP/gm